

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**
(Attorney Docket No. 006917.00009)

In re U.S. Patent Application of:)
Axelsson)
) Art Unit: 2623
Application No. 09/891,379)
) Examiner: Usha Raman
Filed: June 27, 2001)
) Confirmation No. 2564
For: EPG HAVING PIP WINDOW)
HISTORY AND SAMPLE VIEW)
FUNCTIONALITY)
)

BRIEF ON APPEAL

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This is an appeal brief in accordance with 37 CFR §1.192 filed in support of Applicant's April 6, 2006 Notice of Appeal. Appeal is taken from the Final Office Action dated December 28, 2007. Accordingly, Applicant requests a one-month extension of time and the Commissioner is hereby authorized to charge any necessary fees to Deposit Account 19-0733. Should any additional fees be due, the Commissioner is authorized to charge such fee to Deposit Account No. 19-0733.

I. REAL PARTY IN INTEREST

The owner of this application, and the real party in interest, is Nokia Corporation.

III. STATUS OF CLAIMS

Claims 1-21 and 25 were previously cancelled. Claims 22-24 and 26-35 remain in the application. All pending claims (22-24 and 26-35) stand rejected. Applicant is appealing all pending claims (22-24 and 26-35). All claims are shown in the attached appendix.

IV. STATUS OF AMENDMENTS

An Amendment has been filed on April 22, 2008, pursuant to 37 C.F.R. §§ 1.116 and 41.33(b), after the date of filing the appeal and on or after the date of filing the present Appeal Brief. The Amendment filed April 22, 2008 canceled claims 1-4 and 6-21. No new claims were added. The claims are listed in the attached Appendix and discussed herein as amended by the Amendment.

V. SUMMARY OF CLAIMED SUBJECT MATTER

In making reference herein to various portions of the specification and drawings in order to explain the claimed invention (as required by 37 CFR §41.37(c)(1)(v)), Applicant does not intend to limit the claims. All references to the specification and drawings are illustrative unless otherwise explicitly stated.

Aspects of the claimed subject matter are directed “to an electronic program guide system. More particularly it relates to channel selection by means of a picture-in-picture area in an electronic program guide.” (Sub. Spec. Para. 1, ll. 1-3). Aspects of the claimed subject matter are aimed to alleviate the drawbacks of prior art picture-in-picture (“PIP”) systems. For example, a “drawback with the returning possibility described in W09734414 is that if a user has displayed several programs in the PIP area, the user may only revert to the last channel viewed in full screen.” (Sub. Spec. Para. 6, ll. 1-3).

There are five (5) independent claims (claims 22, 31, and 33-35) pending in the application, all of which are rejected.

Claim 22 is directed towards a method and comprises 7 elements. The first element recites “receiving at least one electronic program guide corresponding to a broadcast system.” As set forth in the Specification, “[t]he EPG system 1 comprises receiving means for receiving at least one electronic program guide corresponding to the broadcast system and first display generation means for generating display of the EPG in the first display area of the associated display unit.” (Sub. Spec. Para. 24, ll. 3-6).

The second element recites “generating display of said at least one electronic program guide in a first display area of a display unit associated with an apparatus.” As provided in the Specification, an “electronic program guide (EPG) system 1 [is] associated with a broadcast receiver in a broadcast system is displayed in a first display area on a display unit, such as a TV set.” (Sub. Spec. Para. 24, ll. 1-3).

The third and fourth elements recite “selecting a desired program from said at least one electronic program guide,” and “controlling said apparatus to set to the selected program.” In one embodiment, the selecting means may be a remote control, for example, by “[u]sing selecting means, such as, for example, a remote control unit (RC), selection of a new, desired program can be made from the EPG. Tuning to this program is affected by tuning means for controlling a tuner of the associated broadcast receiver to tune to the selected program.” (Sub. Spec. Para. 25, ll. 1-4).

The fifth element recites “generating display during browsing of said electronic program guide of the selected program in the second display area of said display unit.” As provided in the Specification, “[d]isplay of this program is generated by second display generation means generating display of the selected program in the second display area 2 of the display unit. Parameters identifying the selected program are stored in the storage means 3. This process may be repeated a plurality of times, wherein each program displayed in the second display area 2 is registered to the storage means.” (Sub. Spec. Para. 25, ll. 4-9).

The sixth element recites “storing parameters identifying said selected program in a list of selected programs.” As one example, “[p]arameters identifying the selected program are stored in the storage means 3. This process may be repeated a plurality of times, wherein each program displayed in the second display area 2 is registered to the storage means. (Sub. Spec. Para. 25, ll. 4-9). Furthermore, “[a] program, different from the one being displayed in the second display area 2, is selected by pushing, for example, a "previous program" or "next program" button on the first input means.” (Sub. Spec. Para. 26, ll. 4-6).

The last element recites “generating display of said list of the selected programs stored in the storage means in a third display area of said display unit, wherein said third display area is separate from said first display area.”

First, the element explicitly recites “a list of the selected programs.” The selected programs were already defined as being selected from “the storage means.” Secondly, the element explicitly recites that the “third display area is separate from said first display area.” As shown in Figure 2, reproduced below, “the EPG 1 comprises a history area, hereafter referred to

as **third display area 5** displaying a history list of the programs registered in the storage means 3 and browsing the storage means 3 is achieved by selecting the third display area 5 as the second display area 2 was selected according to the first embodiment. (Sub. Spec. Para. 29, ll. 2-6, emphasis added).

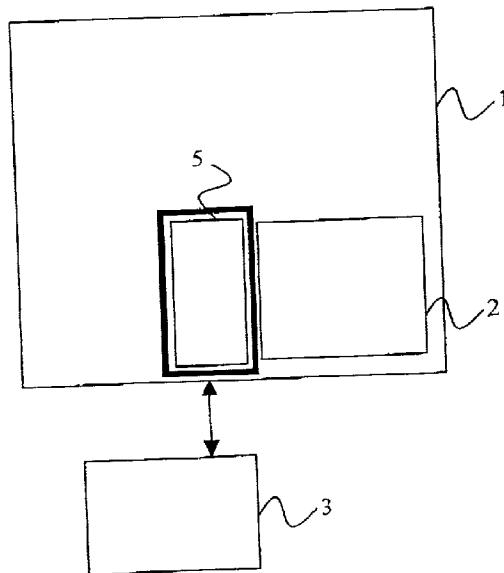


FIG. 2

As seen, third display area 5, is separate from the second display area 2 and first display area 1, which is the EPG (“electronic program guide (EPG) system 1 [is] associated with a broadcast receiver in a broadcast system is displayed in a first display area on a display unit, such as a TV set.” Sub. Spec. Para. 24, ll. 1-3, see also Para. 29).

Claim 31 is directed towards a method and comprises 12 elements. The first and second elements of claim 31 recite “receiving at least one electronic program guide corresponding to a broadcast system,” and “generating display of said at least one electronic program guide in a first display area of a display unit associated with an apparatus.” As set forth in the Specification, “[t]he EPG system 1 comprises receiving means for receiving at least one electronic program guide corresponding to the broadcast system and first display generation means for generating display of the EPG in the first display area of the associated display unit.” (Sub. Spec. Para. 24, ll. 3-6).

The third and fourth elements of claim 31 recite “selecting a desired program from said at least one electronic program guide” and “controlling said apparatus to set to the selected program.” In one embodiment, the selecting means may be a remote control, for example, by “[u]sing selecting means, such as, for example, a remote control unit (RC), selection of a new, desired program can be made from the EPG. Tuning to this program is affected by tuning means for controlling a tuner of the associated broadcast receiver to tune to the selected program.” (Sub. Spec. Para. 25, ll. 1-4).

The fifth element recites “generating display during browsing of said electronic program guide of the selected program in a second display area of said display unit.” As provided in the Specification, “[d]isplay of this program is generated by second display generation means generating display of the selected program in the second display area 2 of the display unit. Parameters identifying the selected program are stored in the storage means 3. This process may be repeated a plurality of times, wherein each program displayed in the second display area 2 is registered to the storage means.” (Sub. Spec. Para. 25, ll. 4-9).

The sixth element recites “storing parameters identifying said selected program.” As one example, “[p]arameters identifying the selected program are stored in the storage means 3. This process may be repeated a plurality of times, wherein each program displayed in the second display area 2 is registered to the storage means. (Sub. Spec. Para. 25, ll. 4-9). Furthermore, “[a] program, different from the one being displayed in the second display area 2, is selected by pushing, for example, a "previous program" or "next program" button on the first input means.” (Sub. Spec. Para. 26, ll. 4-6).

The seventh, eighth and ninth elements relate to a timer means. Specifically, the elements recite “activating timer means upon additional program selection,” “controlling said apparatus to set to the additionally selected program for a predetermined time,” and “generating display of the additionally selected program in the second display area of said display unit for the predetermined time.”

As explained in the Specification, “by selecting a sample view of a new program from the EPG, this program is displayed in the second display area 2. The EPG system 1 has access to timer means 6, which is activated when a program replaces the first program displayed in the second display area 2 when entering the EPG. The timer means 6 are set to elapse in a predetermined time, preferably between 5-15 seconds. (Sub. Spec. Para. 32).

The tenth and eleventh elements recite “controlling said apparatus to set to the previously selected program upon elapse of the predetermined time,” and “generating display of the previously selected program in the second display area of said display unit upon elapse of the predetermined time.” As one example, “[s]ample views of programs may be displayed in the second display area 2, but when the timer means 6 has elapsed the first program, registered in the storage means 3, is redisplayed in the second display area 2. In this way the user need not miss out much of the initially viewed program.” (Sub. Spec. Para. 33, ll. 1-4).

The last element recites “generating display of a list of stored selected programs in a third display area of said display unit.” The element explicitly recites “display[ing] a list of **the** stored selected programs.” As provided in the Specification, “the EPG 1 comprises a history area, hereafter referred to as third display area 5 displaying a history list of the programs registered in the storage means 3 and browsing the storage means 3 is achieved by selecting the third display area 5 as the second display area 2 was selected according to the first embodiment.

Claim 33 is directed towards a computer-readable medium having computer-readable instructions that when executed perform a method comprising 12 elements. The first and second elements of claim 33 recite “receiving at least one electronic program guide corresponding to a broadcast system,” and “generating display of said at least one electronic program guide in a first display area of a display unit.” As set forth in the Specification, “[t]he EPG system 1 comprises receiving means for receiving at least one electronic program guide corresponding to the broadcast system and first display generation means for generating display of the EPG in the first display area of the associated display unit.” (Sub. Spec. Para. 24, ll. 3-6).

The third and fourth elements of claim 33 recite “providing for selection of a desired program from said at least one electronic program guide” and “controlling an associated apparatus to set to the selected program.” In one embodiment, the selecting means may be a remote control, for example, by “[u]sing selecting means, such as, for example, a remote control unit (RC), selection of a new, desired program can be made from the EPG. Tuning to this program is affected by tuning means for controlling a tuner of the associated broadcast receiver to tune to the selected program.” (Sub. Spec. Para. 25, ll. 1-4).

The fifth element recites “generating display during browsing of the selected program in a second display area of said display unit.” As provided in the Specification, “[d]isplay of this program is generated by second display generation means generating display of the selected program in the second display area 2 of the display unit. Parameters identifying the selected program are stored in the storage means 3. This process may be repeated a plurality of times, wherein each program displayed in the second display area 2 is registered to the storage means.” (Sub. Spec. Para. 25, ll. 4-9).

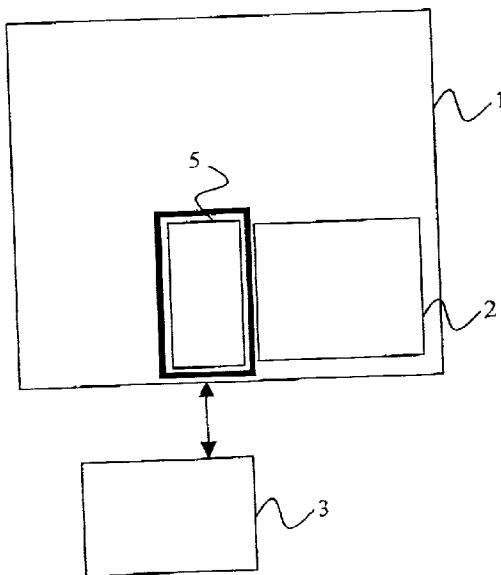
The sixth element recites “storing parameters identifying said selected program.” As one example, “[p]arameters identifying the selected program are stored in the storage means 3. This process may be repeated a plurality of times, wherein each program displayed in the second display area 2 is registered to the storage means. (Sub. Spec. Para. 25, ll. 4-9). Furthermore, “[a] program, different from the one being displayed in the second display area 2, is selected by pushing, for example, a "previous program" or "next program" button on the first input means.” (Sub. Spec. Para. 26, ll. 4-6).

The seventh and eighth elements recite “providing for selection of an additional program from said electronic program guide,” and “repeating the controlling, generating and storing steps for each subsequent program selection.” As discussed above, the selecting means may be a remote control, for example, by “[u]sing selecting means, such as, for example, a remote control unit (RC), selection of a new, desired program can be made from the EPG. Tuning to this program is affected by tuning means for controlling a tuner of the associated broadcast receiver to tune to the selected program.” (Sub. Spec. Para. 25, ll. 1-4).

The ninth and tenth elements recite “providing for selection of stored parameters identifying a previously selected program” and “controlling the associated apparatus to set to the program identified by the selected parameters.” As set forth in the Specification, selecting program “may be repeated a plurality of times, wherein each program displayed in the second display area 2 is registered to the storage means. To browse between the programs registered in the storage means 3 selection of the second display area 2 is allowed 4, for example, by moving a cursor on the display unit or by jumping between selectable areas on the display unit using first input means, such as a remote control unit. A program, different from the one being displayed in the second display area 2, is selected by pushing, for example, a “previous program” or “next program” button on the first input means.” (Sub. Spec. Para. 25, l. 7 – Para. 26, l. 7).

The eleventh element recites “generating display of the program identified by the selected parameters in the second display area of said display unit.” As provided in the Specification, “[d]isplay of this program is generated by second display generation means generating display of the selected program in the second display area 2 of the display unit. Parameters identifying the selected program are stored in the storage means 3. This process may be repeated a plurality of times, wherein each program displayed in the second display area 2 is registered to the storage means.” (Sub. Spec. Para. 25, ll. 4-9).

The twelfth element recites “generating display of a list of stored selected programs in a third display area of said display unit, wherein said third display area is separate from said first display area.” First, the element explicitly recites “a list of stored selected programs.” Secondly, the element explicitly recites that the “third display area is separate from said first display area.” As shown in Figure 2, reproduced below, “the EPG 1 comprises a history area, hereafter referred to as third display area 5 displaying a history list of the programs registered in the storage means 3 and browsing the storage means 3 is achieved by selecting the third display area 5 as the second display area 2 was selected according to the first embodiment. (Sub. Spec. Para. 29, ll. 2-6, emphasis added).

**FIG. 2**

As seen, third display area 5 is separate from the second display area 2 and first display area 1, which is the EPG (“electronic program guide (EPG} system 1 [is] associated with a broadcast receiver in a broadcast system is displayed in a first display area on a display unit, such as a TV set.” Sub. Spec. Para. 24, ll. 1-3, see also Para. 29).

Claim 34 is directed towards a computer-readable medium having computer-readable instructions that when executed perform a method comprising 12 elements. The first and second elements of claim 34 recite “receiving at least one electronic program guide corresponding to a broadcast system,” and “generating display of said at least one electronic program guide in a first display area of a display unit.” As set forth in the Specification, “[t]he EPG system 1 comprises receiving means for receiving at least one electronic program guide corresponding to the broadcast system and first display generation means for generating display of the EPG in the first display area of the associated display unit.” (Sub. Spec. Para. 24, ll. 3-6).

The third and fourth elements of claim 34 recite “providing for selection of a desired program from said at least one electronic program guide” and “controlling an associated apparatus to set to the selected program.” In one embodiment, the selecting means may be a remote control, for example, by “[u]sing selecting means, such as, for example, a remote control

unit (RC), selection of a new, desired program can be made from the EPG. Tuning to this program is affected by tuning means for controlling a tuner of the associated broadcast receiver to tune to the selected program.” (Sub. Spec. Para. 25, ll. 1-4).

The fifth element recites “generating display during browsing of said electronic program guide of the selected program in the second display area of said display unit.” As provided in the Specification, “[d]isplay of this program is generated by second display generation means generating display of the selected program in the second display area 2 of the display unit. Parameters identifying the selected program are stored in the storage means 3. This process may be repeated a plurality of times, wherein each program displayed in the second display area 2 is registered to the storage means.” (Sub. Spec. Para. 25, ll. 4-9).

The sixth, seventh and eighth elements recite “storing parameters identifying said selected program in a list of selected programs,” “providing for selection of an additional program from said electronic program guide,” and “repeating the controlling, generating and storing steps for each subsequent program selection.” As discussed above, the selecting means may be a remote control, for example, by “[u]sing selecting means, such as, for example, a remote control unit (RC), selection of a new, desired program can be made from the EPG. Tuning to this program is affected by tuning means for controlling a tuner of the associated broadcast receiver to tune to the selected program.” (Sub. Spec. Para. 25, ll. 1-4).

The ninth, tenth, and eleventh elements recite “providing for selection of stored parameters identifying a previously selected program,” “controlling the associated apparatus to set to the program identified by the selected parameters,” and “generating display of the program identified by the selected parameters in the second display area of said display unit.” As one example, “[p]arameters identifying the selected program are stored in the storage means 3. This process may be repeated a plurality of times, wherein each program displayed in the second display area 2 is registered to the storage means. (Sub. Spec. Para. 25, ll. 4-9). Furthermore, “[a] program, different from the one being displayed in the second display area 2, is selected by pushing, for example, a “previous program” or “next program” button on the first input means.” (Sub. Spec. Para. 26, ll. 4-6).

The last element recites “generating display of a list of stored selected programs in a third display area of said display unit, wherein said third display area is separate from said first display area.” First, the element explicitly recites “a list of stored selected programs.” Secondly, the element explicitly recites that the “third display area is separate from said first display area.” As shown in Figure 2, reproduced below, “the EPG 1 comprises a history area, hereafter referred to as third display area 5 displaying a history list of the programs registered in the storage means 3 and browsing the storage means 3 is achieved by selecting the third display area 5 as the second display area 2 was selected according to the first embodiment. (Sub. Spec. Para. 29, ll. 2-6, emphasis added).

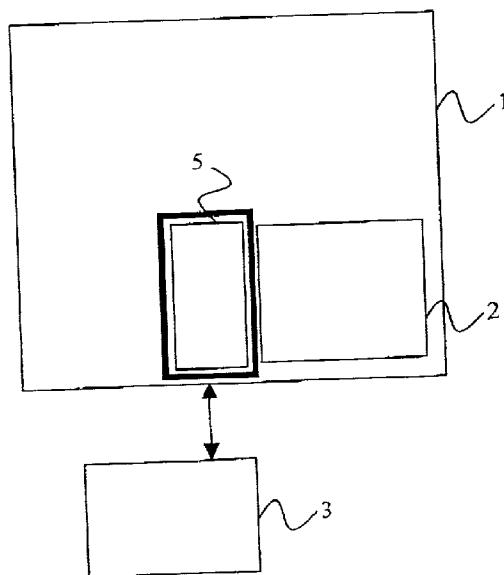


FIG. 2

As seen, third display area 5, is separate from the second display area 2 and first display area 1, which is the EPG (“electronic program guide (EPG) system 1 [is] associated with a broadcast receiver in a broadcast system is displayed in a first display area on a display unit, such as a TV set.” Sub. Spec. Para. 24, ll. 1-3, see also Para. 29).

Claim 35 is directed towards apparatus comprising 8 elements. The first and second elements of claim 35 recite “a receiver configured to receive at least one electronic program guide

corresponding to a broadcast system," and "a display unit configured to generate display of said at least one electronic program guide in a first display area of said display unit." As set forth in the Specification, "[t]he EPG system 1 comprises receiving means for receiving at least one electronic program guide corresponding to the broadcast system and first display generation means for generating display of the EPG in the first display area of the associated display unit." (Sub. Spec. Para. 24, ll. 3-6).

The third and fourth elements of claim 35 recite "a control unit configured to select a desired program from said at least one electronic program guide," and "a tuner configured to control said apparatus to set to the selected program." In one embodiment, the control unit may be responsive to a remote control, for example, "a new, desired program can be made from the EPG. Tuning to this program is affected by tuning means for controlling a tuner of the associated broadcast receiver to tune to the selected program." (Sub. Spec. Para. 25, ll. 1-4).

The fifth element and sixth elements recite "a memory configured to generate display during browsing of said electronic program guide of the selected program in a second display area of said display unit" and "a memory configured to store parameters identifying said selected program; and wherein additional program selections causes setting said apparatus to said selected program and display of the additionally selected programs in the second display area and addition of parameters identifying the additionally selected programs to a list of selected programs stored in the storage means." As provided in the Specification, "[d]isplay of this program is generated by second display generation means generating display of the selected program in the second display area 2 of the display unit. Parameters identifying the selected program are stored in the storage means 3. This process may be repeated a plurality of times, wherein each program displayed in the second display area 2 is registered to the storage means." (Sub. Spec. Para. 25, ll. 4-9). Furthermore, "[a] program, different from the one being displayed in the second display area 2, is selected by pushing, for example, a "previous program" or "next program" button on the first input means." (Sub. Spec. Para. 26, ll. 4-6).

The seventh element indicates that "the display unit [is] further configured to generate display of a list of the selected programs stored in the storage means in a third display area of said

display unit, wherein said third display area is separate from said first display area.” First, the element explicitly recites “a list of **the selected** programs.” Secondly, the element explicitly recites that the “third display area is separate from said first display area.” As shown in Figure 2, reproduced below, “the EPG 1 comprises a history area, hereafter referred to as **third display area 5** displaying a history list of the programs registered in the storage means 3 and browsing the storage means 3 is achieved by selecting the third display area 5 as the second display area 2 was selected according to the first embodiment. (Sub. Spec. Para. 29, ll. 2-6, emphasis added).

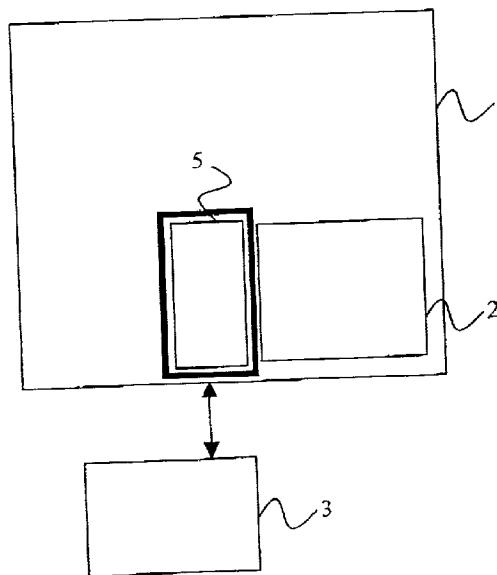


FIG. 2

As seen, third display area 5, is separate from the second display area 2 and first display area 1, which is the EPG (“electronic program guide (EPG) system 1 [is] associated with a broadcast receiver in a broadcast system is displayed in a first display area on a display unit, such as a TV set.” Sub. Spec. Para. 24, ll. 1-3, see also Para. 29).

The eighth element recites that “the control unit further configured to allow selection of a program from said list, wherein said selection causes to setting and display of the selected program in the second display area of the display unit.” As provided in the Specification, “[d]isplay of this program is generated by second display generation means generating display of the selected program in the second display area 2 of the display unit. Parameters identifying the selected program are stored in the storage means 3. This process may be repeated a plurality of

times, wherein each program displayed in the second display area 2 is registered to the storage means.” (Sub. Spec. Para. 25, ll. 4-9). Furthermore, “[a] program, different from the one being displayed in the second display area 2, is selected by pushing, for example, a “previous program” or “next program” button on the first input means.” (Sub. Spec. Para. 26, ll. 4-6).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- Claims 22-28 and 33-35 are rejected under 35 U.S.C. 103 (a) as allegedly being unpatentable over Yuen et al. (WO 97/34414) in view of Van der Vleuten (US Patent 6,460,183).
- Claims 29-32 are rejected under 35 U.S.C. 103 (a) as allegedly being unpatentable over Yuen et al. (WO 97/34414) in view of Van der Vleuten (US Patent 6,460,183) and further in view of Ellis et al. (US Patent 5,986,650).

VII. ARGUMENT

Neither Yuen nor Van der Vleuton, whether in Combination or Individually Teach, Suggest or Disclose the Recited Subject Matter in Independent Claims 22, 33, 34, and 35

Applicants' Pre-Appeal Brief of April 6, 2006, which led to the dismissal of the Examiner's initial rejections under Yuen, provides an overview of Yuen. As stated in the Brief:

Yuen is directed to a feature for an electronic program guide (EPG) that "provides the viewer [a] means for returning from the guide mode to a last channel displayed full screen in a television viewing mode, or last channel full screen (LCF), prior to entering the guide mode." (Page 2, Summary of the Invention, line 8; emphasis added). In fact, Figure 1 and the corresponding disclosure on page 4 cited by the Office Action disclose a television receiver having an EPG, wherein the novelty over prior art is "the addition of a last channel register 34." (Page 4, lines 27). Indeed, as explicitly provided by Yuen "[w]hile the system is in the guide mode, the data in last channel register 34 does not change.

(Pre-Appeal Brief for Review dated April 6, 2006, emphasis in original). Furthermore, upon withdrawing the rejection and issuing a new rejection, the Examiner stated that Yuen "does not disclose storing parameters identifying the one or more selected programs to a list or the step of displaying the list of selected programs." (Office Action mailed 5/21/07, Pages 3-4). (Emphasis added).

The Examiner, however, now again asserts Yuen, now combined with Van der Vleuton as allegedly teaching this limitation. Specifically, the limitation as shown in claim 22 recites:

generating display of said list **of the selected programs** stored in the storage means in a third display area of said display unit, wherein said third display area is separate from said first display area.

(emphasis added, see also independent claims 31, and 33-35 regarding the display of "selected programs"). The Examiner asserts that unit 45 of Fig. 2 of Yuen combined with the "third button" of Van der Vleuton shows this limitation. (Office Action dated December 28, 2007; page 2). Unit 45 of Yuen's Fig. 2, however, is merely one of the listings within the Electronic Programming Guide (asserted by the Examiner to be the second display area) that lists the last channel viewed prior to entering the SURF guide. As set forth in Yuen, "[i]n order to utilize the last channel feature, the viewer **must return to the SURF guide and select** last channel listing

45 with cursor 48 prior to exiting the guide mode. (Page 7, lines 10 – 11). Combining the third button of Van der Vleuton would not result in the subject matter as recited nor would the resulting combination even remotely suggest the recited subject matter. Further, the “third button” of Van der Vleuton is merely a button on a remote control, thus cannot even suggest or teach a “third display area,” which is not taught or disclosed anywhere in Yuen.

In fact, Van der Vleuton teaches away from the limitation, “generating display of said list of the selected programs stored in the storage means in a third display area of said display unit, wherein said third display area is separate from said first display area.” Specifically, the element expressly recites “said list of the selected programs.” As previously recited in the claim, the recited programs were selected from “said at least one electronic program guide.” (See, the third element which expressly recites “selecting a desired program from said at least one electronic program guide”). Van der Vleuton’s History List teaches against showing a list of programs selected from an EPG in a third display area that is separate from the first display area because, and secondly, even if Van der Vleuton’s History List was combined with the EPG of Yuen, there would be no teaching, disclosure, or suggestion of the recited subject matter. Specifically, as stated in the Summary of the Invention of Van der Vleuton:

In a radio or television receiver according to the invention, signals which are selected by means of the zapping means **are not** included in the history list, unless they have been inspected for said predetermined period of time.

(Col. 2, ll. 29 – 34, emphasis added, see also Col 4, ll. 56 – 58: “It is assumed that a preset which was selected with the zapping means 109, is generally not of particular interest to the user.”) Thus, the history list of Van der Vleuton teaches away from the recited subject matter. In fact, Van der Vleuton expressly teaches away from combining its disclosed history devices with multiple display generation means as recited in the rejected claims and alleged to be taught in Yuen. Specifically, Van der Vleuton states:

It is to be noted that television receivers are known which feature a dedicated button for selecting the previous channel. There are also television receivers which feature colored buttons for recalling two previously selected teletext pages which are indicated on the screen in corresponding colors. A drawback of such a feature is that only a very limited number of signals can be accessed and that **disturbing elements are required on the screen.**

(Col. 2, ll. 47 – 54, emphasis added). Thus, Van der Vleuton teaches against using “disturbing elements on the screen and including signals that are selected by a user scrolling through the channels and selecting certain channels by the zapping means. Rather, the history list of Van der Vleuton is only updated if the user’s selection is “selected explicitly by means of the numerical means” or if a channel has been selected “for a predetermined period of time.” (Van der Vleuton, Col. 5, 11. 1 – 6). Thus, the selection criterion of Van der Vleuton is in stark contrast than the rejected claims. In this regard, Van der Vleuton does not teach the implementation of a program guide, rather “[o]nly two additional buttons, i.e., the ‘backward’ button 118 and the ‘forward’ button 119, are required for implementing the functionality described.”

While Van der Vleuton appears to disclose a single embodiment where the partial history list could be shown on a display, Van der Vleuton makes it clear that “disturbing elements” would not be used but rather only the list, (not a second and third display generation means as claimed) would be utilized. In fact, Van der Vleuton makes it clear that the embodiment would only be used for “displaying the history list on the television screen, enabling the user to select a preset by picking a preset from the history list, similarly to the widely applied on-screen menus.” (Col. 5, ll.59 – 61, emphasis added). Yuen, one such widely applied on-screen menu, does not teach disclose or suggest the subject matter as indicated by the Examiner’s withdrawal of the 102(b) rejection citing Yuen. Applicants are unaware of any art of record that discloses a widely applied on-screen menu that teaches or even suggests the recited subject matter.

As discussed above, an element at issue recites the “generat[ion of a] display of said list **of the selected programs** stored in the storage means in a third display area of said display unit, wherein said third display area is separate from said first display area .” The selected programs recited were selected from “said at least one electronic program guide.” This would be impossible with Van der Vleuton. Van der Vleuton teaches away from such program guides as “disturbing elements.” Even if, *arguendo*, the Examiner construed the displayed “history list” of Van der Vleuton as a program guide, then there could be no disclosure of a “generating display during browsing of said electronic program guide of the selected program in the second display area of said display unit,” or “storing parameters identifying said selected program in a list of selected programs,” or even “generating display of said list of the selected programs stored in the storage

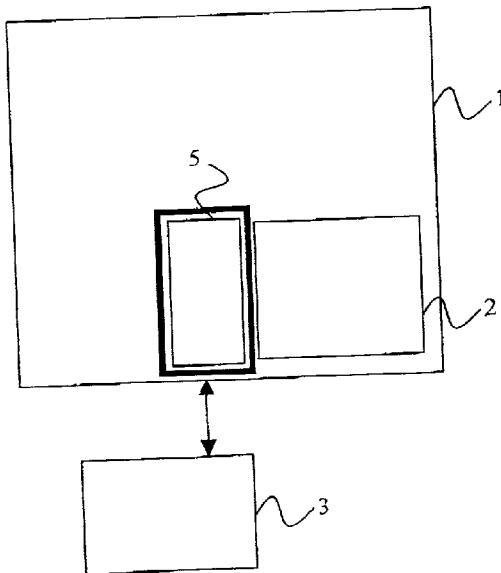
means in a third display area of said display unit, wherein said third display area is separate from said first display area.”

Specifically, Van der Vleuton denounces such implementation because “**disturbing elements are required on the screen**,” thus there can be no teaching of at least:

generating display during browsing of said electronic program guide of the selected program in the second display area of said display unit.

First, there is no teaching that programs selected in a program guide (which Van der Vleuton does not have) would be displayed in a second display area (which Van der Vleuton teaches against). Thus, Van der Vleuton teaches against using “disturbing elements” on the screen and against the inclusion of signals that are selected by a user scrolling through the channels and selecting certain channels by the zapping means. Rather, the history list of Van der Vleuton is only updated if the user’s selection is “selected explicitly by means of the numerical means” or if a channel has been selected “for a predetermined period of time.” (Van der Vleuton, Col. 5, 11. 1 – 6). Thus, the selection criterion of Van der Vleuton is in stark contrast than the rejected claims 22, 31, and 33-35 which add the selected programs to “a list of selected programs.” For at least these reasons, Applicants respectfully request reconsideration and reversal of the rejections of independent claims 22, 31, and 33-35.

Furthermore, independent claims 22, and 33-35 recite that the third display area is separate from the first display area. As shown in Figure 2, reproduced below, “the EPG 1 comprises a history area, hereafter referred to as third display area 5 displaying a history list of the programs registered in the storage means 3 and browsing the storage means 3 is achieved by selecting the third display area 5 as the second display area 2 was selected according to the first embodiment. (Sub. Spec. Para. 29, ll. 2-6, emphasis added).

**FIG. 2**

As seen, third display area 5, is separate from the second display area 2 and first display area 1, which is the EPG (“electronic program guide (EPG) system 1 [is] associated with a broadcast receiver in a broadcast system is displayed in a first display area on a display unit, such as a TV set.” Sub. Spec. Para. 24, ll. 1-3, see also Para. 29). Applicants respectfully submit that the art of record does not show or suggest the “display of a list of the selected programs stored in the storage means in a third display area of said display unit, wherein said third display area is separate from said first display area.” In view of at least the foregoing, Applicants respectfully request reconsideration and reversal of the rejections of independent claims 1, 22, 3 and 3-35 and any dependent claim thereof.

Ellis Does Not Disclose, Teach, or Suggest Program Selection as Claimed in Claims 29-32

The rejection of claims 29-32 rely on Ellis, specifically citing the “scanning function” of Ellis. Ellis merely describes a timer for use during a scanning function and not a timer for a program selection function i.e. “activated upon program selection.” For example, representative claim 31 recites:

...selecting a desired program from said at least one electronic program guide;
controlling said apparatus to set to the selected program;
generating display during browsing of said electronic program guide of the selected program in a second display area of said display unit;

storing parameters identifying said selected program;
activating timer means **upon additional program selection**;
controlling said apparatus to set to the additionally selected program for a predetermined time;
generating display of the additionally selected program in the second display area of said display unit for the predetermined time;
controlling said apparatus to set to the **previously selected program upon elapse of the predetermined time**; and
generating display of the previously selected program in the second display area of said display unit upon elapse of the predetermined time; and
generating display of a list of stored selected programs in a third display area of said display unit.

(Emphasis added). This is in stark contrast to the teachings of Ellis. As expressly explained by the Examiner, “[i]n the scanning mode [of Ellis], **each** channel of the favorite list is tuned to and displayed.” (Office Action dated December 28, 2007, page 10, citing Col 17, lines 33-40 of Ellis). Thus, the timer means is not activated upon “program selection” as recited in each of the independent claims from which the rejected claims depend, where the program selected is chosen from the EPG. As explained in relation to each independent claim in the Summary of Claimed Subject Matter, “[t]he EPG system 1 comprises receiving means for receiving at least one electronic program guide corresponding to the broadcast system and first display generation means for generating display of the EPG in the first display area of the associated display unit.” (Sub. Spec. Para. 24, ll. 3-6). Thus, as used throughout the Specification and the claims, the “program selection” is the selection of a program from an electronic program guide corresponding to a broadcast system selected for display. Therefore, merely conducting a scan function cannot be considered remotely equivalent to a “program selection” as recited.

Further, a user of Ellis’ system initiates a scan of a plurality of channels, which vary depending on the favorites list being used. As explained below, whether the Examiner considers the “predetermined time” to be the time elapsed to scan all of the channels in the favorites list or, alternatively, the time elapsed on each individual channel, there can be no predetermined time as claimed. First, if the Examiner is considering the recited “predetermined time” to be the time to scan all the channels of Ellis, then there is no predetermined time, rather all channels must be scanned, and the time will depend on the quantity of channels, which will again vary according to the list. Alternatively, if the Examiner then considers the elapse of time to be the time spent on

each channel rather than the entire favorites list, the limitation is still not taught, suggested or otherwise disclosed because the claim recites that upon elapse of the predetermined time, it will “generat[e a] display of the **previously selected program** in the second display area of said display unit.” In contrast, Ellis sequentially continues the scan function to the next channel and does not display the previously selected channel upon elapse of predetermined time.

For at least the foregoing, Applicants respectfully request reconsideration and reversal of the rejections with regards to claims 29-32.

CONCLUSION

The rejections contained in the Action of December 28, 2007 should be reversed for at least the reasons recited above. Reversal of the rejections is respectfully requested.

Respectfully submitted,

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CLAIMS APPENDIX

1. – 21. (Cancelled)

22. A method comprising:
receiving at least one electronic program guide corresponding to a broadcast system;
generating display of said at least one electronic program guide in a first display area of a display unit associated with an apparatus;
selecting a desired program from said at least one electronic program guide;
controlling said apparatus to set to the selected program;
generating display during browsing of said electronic program guide of the selected program in the second display area of said display unit;
storing parameters identifying said selected program in a list of selected programs; and
generating display of said list of the selected programs stored in the storage means in a third display area of said display unit, wherein said third display area is separate from said first display area.

23. A method as claimed in claim 22, further comprising:
selecting stored parameters identifying a previously selected program;
controlling said apparatus to set to the program identified by the selected parameters; and
generating display of the program identified by the selected parameters in a second display area of said display unit.

24. A method as claimed in claim 22, further comprising:
selecting the program currently being displayed in the second display area of the display unit for full screen display.

25. (Cancelled)

26. A method as claimed in claim 23, further comprising:
inputting stepwise sequential selection of the stored parameters.

27. A method as claimed in claim 22, further comprising:
 - selecting a program from said list;
 - controlling said apparatus to set to the program selected; and
 - generating display of the program selected in the second display area of said display unit.
28. A method as claimed in claim 22, further comprising:
 - selecting from said list a program currently being displayed in the second display area of the display unit; and
 - generating full screen display of the selected program on the display unit.
29. A method as claimed in claim 22, further comprising:
 - activating timer means upon program selection;
 - controlling said apparatus to tune set to the selected program for a predetermined time;
 - generating display of the selected program in the second display area of said display unit for the predetermined time;
 - controlling said apparatus to set to the previously selected program upon elapse of the predetermined time; and
 - generating display of the previously selected program in the second display area of said display unit upon elapse of the predetermined time.
30. A method as claimed in claim 29, further comprising:
 - selecting the program being displayed in the second display area of the display unit for the predetermined time; and
 - generating full screen display of the selected program on the display unit.
31. A method comprising:
 - receiving at least one electronic program guide corresponding to a broadcast system;
 - generating display of said at least one electronic program guide in a first display area of a display unit associated with an apparatus;
 - selecting a desired program from said at least one electronic program guide;
 - controlling said apparatus to set to the selected program;

generating display during browsing of said electronic program guide of the selected program in a second display area of said display unit;

storing parameters identifying said selected program;

activating timer means upon additional program selection;

controlling said apparatus to set to the additionally selected program for a predetermined time;

generating display of the additionally selected program in the second display area of said display unit for the predetermined time;

controlling said apparatus to set to the previously selected program upon elapse of the predetermined time; and

generating display of the previously selected program in the second display area of said display unit upon elapse of the predetermined time; and

generating display of a list of stored selected programs in a third display area of said display unit.

32. A method as claimed in claim 31, further comprising:

selecting the program being displayed in the second display area of the display unit for the predetermined time; and

generating full screen display of the selected program on the display unit.

33. A computer-readable medium having computer-readable instructions that when executed perform the method of:

receiving at least one electronic program guide corresponding to a broadcast system;

generating display of said at least one electronic program guide in a first display area of a display unit;

providing for selection of a desired program from said at least one electronic program guide;

controlling an associated apparatus to set to the selected program;

generating display during browsing of the selected program in a second display area of said display unit;

storing parameters identifying said selected program;

providing for selection of an additional program from said electronic program guide;
repeating the controlling, generating and storing steps for each subsequent program selection;
providing for selection of stored parameters identifying a previously selected program;
controlling the associated apparatus to set to the program identified by the selected parameters;
generating display of the program identified by the selected parameters in the second display area of said display unit; and
generating display of a list of stored selected programs in a third display area of said display unit, wherein said third display area is separate from said first display area.

34. A computer-readable medium having computer-readable instructions that when executed perform the method of:

receiving at least one electronic program guide corresponding to a broadcast system;
generating display of said at least one electronic program guide in a first display area of a display unit;
providing for selection of a desired program from said at least one electronic program guide;
controlling an associated apparatus to tune set to the selected program;
generating display during browsing of said electronic program guide of the selected program in the second display area of said display unit;
storing parameters identifying said selected program in a list of selected programs;
providing for selection of an additional program from said electronic program guide;
repeating the controlling, generating and storing steps for each subsequent program selection;
providing for selection of stored parameters identifying a previously selected program;
controlling the associated apparatus to set to the program identified by the selected parameters;
generating display of the program identified by the selected parameters in the second display area of said display unit; and

generating display of a list of stored selected programs in a third display area of said display unit, wherein said third display area is separate from said first display area.

35. An apparatus, comprising:

a receiver configured to receive at least one electronic program guide corresponding to a broadcast system;

a display unit configured to generate display of said at least one electronic program guide in a first display area of said display unit;

a control unit configured to select a desired program from said at least one electronic program guide;

a tuner configured to control said apparatus to set to the selected program;

a memory configured to generate display during browsing of said electronic program guide of the selected program in a second display area of said display unit;

a memory configured to store parameters identifying said selected program; and wherein additional program selections causes setting said apparatus to said selected program and display of the additionally selected programs in the second display area and addition of parameters identifying the additionally selected programs to a list of selected programs stored in the storage means;

the display unit further configured to generate display of a list of the selected programs stored in the storage means in a third display area of said display unit, wherein said third display area is separate from said first display area; and

the control unit further configured to allow selection of a program from said list, wherein said selection causes to setting and display of the selected program in the second display area of the display unit.

VII. EVIDENCE APPENDIX

None.

VIII. RELATED PROCEEDINGS APPENDIX

None.